

REMARKS

Claims 1-22 were examined by the Office, and in the Office Action of March 17, 2009 all claims are rejected. With this response, claims 1, 3-6, 8-12, 14-15 and 17 are amended, and claims 2, 7, 13 and 16 are cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from cancelled claims 2, 7, 13 and 16, as well as page 5, lines 7-12 & 27-32, page 6, lines 2-6 and page 7, lines 24-29. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Objections

In section 1, on page 2 of the Office Action, claims 1, 6 and 12 are objected to due to informalities. Applicant respectfully submits that the amendments to claims 1, 6 and 12 correct the antecedent basis problem identified by the Office. Accordingly, applicant respectfully requests withdrawal of the objection to claims 1, 6 and 12.

Claim Rejections Under § 103

In section 2, on page 2 of the Office Action, claims 1-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kolev et al. (U.S. Patent No. 6,125,283) in view of the instant Application's Admitted Prior Art (AAPA). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest receiving service request signalling from a multimode terminal for requesting a service, and handing over the multimode terminal to another network device for receiving the requested service from the other network device in a second mode, as recited in claim 1.

Applicant respectfully submits that the "network request" discussed in column 2, lines 53-56 of Kolev does not correspond to the "service request" recited in claim 1. Instead, the network request is an access request based on a subscriber identity after a mobile station is powered on. In contrast to claim 1, in Kolev the mobile station selects another mode as the result

of an invalid subscriber identity, and not because the service is unsupported by the network device or the multimode terminal in a first mode.

Furthermore, even if the network request can be interpreted as a “service request,” which applicant does not admit, the network request is not considered by the network element as a request to handover the mobile station to another mode or system. Instead, Kolev is directed to how a mobile station may switch modes by itself based on customer input and the validity of the subscriber identity. See Kolev column 8, line 60—column 11, line 9. Accordingly, Figure 6 of Kolev shows the procedures regarding switching of modes happen only inside the mobile station, and a network element is not involved. In addition, the Abstract of Kolev states that the mobile station selects an appropriate network to utilize for a call initiated while the mobile terminal has not valid subscriber identity. Therefore, for at least the reasons discussed above Kolev fails to disclose or suggest the “service request” recited in claim 1, as well as fails to disclose or suggest handing over the multimode terminal to another network device as recited in claim 1. Accordingly, for at least these reasons claim 1 is not disclosed or suggested by the cited references.

Independent claims 6, 12, 15, 18 and 20-22 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above all ultimately depend from an independent claim. Therefore the dependent claims are not disclosed or suggested by the cited references at least in view of their dependencies.

In section 6, on page 4 of the Office Action, claims 1-22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Kolev in view of the instant Application’s Admitted Prior Art (AAPA) and in further view of Zicker et al. (U.S. Patent No. 5,594,782). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest receiving service request signalling from a multimode terminal for requesting a service, and handing over the multimode

terminal to another network device for receiving the requested service from the other network device in a second mode, as recited in claim 1.

The same arguments presented above with respect to the previous rejection is applicable to this rejection as well with respect to Kolev. Furthermore, applicant respectfully submits that Zicker fails to make up for the deficiencies identified above with respect to Kolev. In Zicker, handsets automatically switch between a standard cellular radiotelephone mode of operation and an enhanced cordless mode when the handsets are within range of pico cells. See Zicker Abstract. In contrast to the present claims, in Zicker there are cell sites and cordless stations as network devices, and while the cell sites continuously broadcast some cell identities, the cordless stations do not. The handsets detect the cell identities and if there is a match, the handsets transmit an access request signal. If there is no match, the handsets do not transmit the access signal. Therefore, as stated above Zicker fails to make up for the deficiencies in the teachings of Kolev identified above.

Independent claims 6, 12, 15, 18 and 20-22 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above with respect to claim 1.

The dependent claims rejected above all ultimately depend from an independent claim. Therefore the dependent claims are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

It is earnestly requested that the application be reconsidered, and that the claims be allowed. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

17 Jun 2009
Date

Keith R. Obert
Keith R. Obert
Attorney for the Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, PO Box 224
Monroe CT 06468
Phone: (203) 261-1234
Facsimile: (203) 261-5676